

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

IN THE MATTER OF:  
OLIN CORPORATION  
RESPONDENT

*DRAFT*  
*OLIN CORP - SP OLIVER*  
*TXD 600 607028*  
DOCKET NUMBER CERCLA VI-5-82  
ADMINISTRATIVE ORDER ON CONSENT

This ADMINISTRATIVE ORDER ON CONSENT (ORDER) is issued pursuant to Section 106(a), of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. s9606.

Complainant, the Administrator of the United States Environmental Protection Agency (EPA) by authority delegated by the President of the United States by Executive Order 12316, August 20, 1981, 46 Fed. Reg. 42237 and the Respondent, Olin Corporation (OLIN), through their respective attorneys and authorized representatives, waive their right to a hearing on any issue of law or fact, and hereby consent and agree to the FINDINGS and ORDER set out below.

After a careful investigation of the relevant facts, it has been determined that an imminent and substantial endangerment to public health or welfare or the environment may exist because of actual or threatened releases of hazardous substances at the Houston, Texas facility formerly owned and operated by Olin.

Notice of the issuance of this Order has heretofore been given to the State of Texas.

FINDINGS OF FACT

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1. Respondent is the former owner and operator of a "facility" as defined in Section 101 (9) of CERCLA, 42 s9601 (9) at 7621 Wallisville Road, in Houston, Texas. From 1950 to 1972, the Respondent formulated, packaged, and shipped various pesticides at this facility, including BHC (lindane), DDD, DDT, dieldrin, and toxaphene, among several others. Each of the five specified pesticides have been found in samples acquired from on and around the facility, and they are hazardous substances as defined in Section 101 (14) of CERCLA, 42 U.S.C. s9601 (14). These substances have contaminated the sediments and soils in and around a ditch along the eastern edge of the facility, and they threaten to contaminate surface waters of the United States and the groundwater as well.

2. When Respondent's facility was shut down in 1972, Respondent sold the roughly 18 acres of property at this site to Eureka Investment Company (Eureka), of El Lampo, Texas. As part of the termination of its operations, Respondent cleaned up the plant area. Hazardous substances were disposed both on and off the premises of Respondent's facility during this clean-up.

. In 1977, the eastern 9 acres of this facility was purchased from Eureka by the Southern Pacific Railroad Company (Southern Pacific). Currently the southwest portion of the property, roughly 5 acres, is occupied by Mustang Tractor and Equipment Company (Mustang). The roughly 3.5 acres to the north of Mustang is being leased by Mustang to Seatrain Pacific Services, Inc. (Seatrain)

4. According to EPA sampling, the most contaminated area on or around this facility is the north-south ditch along the eastern side of the facility. Pesticide levels there range up to levels of 41,508 parts per million at depths of up to 24 inches.

5. A drainage area along the northeastern side of the site, running in an east-west direction, is contaminated with pesticides, one sample showing a pesticide concentration of 1490 parts per million.

6. The drainage ditch upstream of the ditch mentioned in item 1, above (i.e., to the north of it) is contaminated with pesticides, one sample showing a concentration of 73 parts per million. Due to the very flat nature of the terrain, it is likely that this contamination is a result of backwash from the more heavily contaminated southerly section of this ditch. Alternatively, the contamination may result from the fact that the northeast corner of the site is at a slightly higher elevation than the surrounding area, and that water may flow both to the north and to the south.

7. The on-site area with the largest detected pesticide level is the western edge of the northern sector of the Southern Pacific section of the facility. A surface sample here showed a pesticide level of 2030 ppm. Samples acquired at 24" and 48" depth from the same location however, indicated pesticides of less than 1.0 ppm.

8. The surface of the Seatrain lot (northwestern area of the facility is also somewhat contaminated, one surface sample showing a pesticide level of 37.4 ppm. Samples at 24" and 48" from the same location, however, showed pesticides of less than 1.0 ppm.

9. Samples from depths of 24" and 48", and at the surface were collected from the open area of the Mustang Section of the facility, but they all showed pesticides of less than 1.0 ppm
10. One location from near the drainage ditch at the center of the facility was sampled, the surface showing 15.0 ppm, and the 24" and 48" depths each showing less than 1.0 ppm.
11. Aerial photographs of Respondent's facility from past years have documented the presence of waste pits and dump areas at the northwestern section of the site, now the Seatrain lot, and a dump area at the center of the eastern side of the site.
12. Through surface water runoff and leaching, infiltration, percolation into soil, subsoil, and groundwater, releases of hazardous substances have occurred and may continue to occur from Respondent's former facility into the environment. These releases may constitute an imminent and substantial endangerment to the public health or welfare or to the environment.

#### ORDER ON CONSENT

13. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. s9606(a), Respondent is hereby ordered to comply with the following schedule of compliance within the dates specified:

##### I. NORTH-SOUTH DITCH AT EASTERN EDGE OF FACILITY

Remove and replace soils as specified in items 1 and 2 of page 2 of the Olin Draft Remedial Action Plan (See Attachment I), with the following exception: in addition to the 30 inches in depth of soil to be removed as specified in item 1 of the draft Olin plan, soils should also be removed to such a depth that no (noticeable) evidence of contamination remains.   
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Take four additional surface soil samples to depths of six inches as shown on Attachment II. Analyze these four samples in paragraph 13, II, a. for pesticides including, at a minimum BHC (lindane) DDD, DDT, dieldrin, toxampene, and PCNB Pentachloro-analytical detection nitrobenzene), and submit the results of these analyses to EPA. Analytical detection limits should be no higher than 0.5 ppm for each pesticide. On the bases of the above sampling and analysis if appropriate, propose soil removal and replacement beyond that which is specified in item 3 on page 2 of the Olin Draft Remedial Action Plan,

and submit this proposal, in writing, to the EPA, for review and approval). If respondent believes no additional work is needed, then respondent shall submit a brief report stating why no such work is needed. Subject to EPA review and approval or modification, complete the soil removal and replacement described in item 3 on page 2 of the Olin Draft Remedial Action Plan and complete any additional work proposed in item C above.

### III. NORTH-SOUTH DRAINAGE DITCH TO THE NORTH OF THE DITCH IN ITEM I ABOVE

Take three surface sediment samples to depths of six inches from this North-South drainage ditch, located to the north of the ditch described in paragraph 13.I above, at locations 200 feet, 300 feet, and 400 feet to the north of the northeast corner of the facility.

Analyze the three samples of paragraph 13. III. a above as in paragraph 13.II.b., and submit the results of these analyses to the EPA. On the basis of the above sampling and analysis of appropriate submit to EPA for review and approval a proposal for extent of soil removal and replacement in this ditch. If Respondent believes no additional work is needed, then Respondent shall submit a brief report stating why no such work is needed. Subject to EPA review and approval or modification, complete the soil removal and replacement proposed in item 13.III.c.d. above.

### IV. CENTRAL DRAINAGE DITCH

Take five surface sediment samples from the Central Drainage Ditch at 50 feet, 150 feet, 250 feet, 450 feet, and 800 feet to the south of the north fence. Each sample shall extend to a depth of six inches beneath the surface. Analyze the samples from paragraph 13 IV.a for pesticides as described in item 13. II.b. above, and submit the results of these analyses to the EPA.

Based on the above analyses, submit a plan of remedial action for the central drainage ditch and a schedule by which that plan will be accomplished. Subject to EPA review and approval or modification, complete the remedial work described in 13.IV.c. above according to the schedule in IV.c.

### V. SEATRIN LOT (NORTHWEST QUADRANT OF FACILITY)

Take six evenly spaced soil cores from this area, each one being to a depth of six inches. Analyze the samples in paragraph 13. V.a for pesticides as described in paragraph 13. II.b above, and submit the

Based on the above analyses, submit a plan of remedial action, if needed, for the Seatrain property, and schedule by which that work will be accomplished. Should the Respondent believe that no additional work is needed, then the Respondent shall submit a brief report stating why no such work is needed.

Subject to EPA review and approval or modification, complete the work described in paragraph 13.V.c. above, if needed, according to the schedule of paragraph V.c. above.

#### VI. SUBSURFACE INVESTIGATION

Obtain soil cores at the locations and depths described in Attachment II', and identify soil stratigraphy in those cores. Conduct pesticide analyses, as described in paragraph 13.II.b., in the cores at those depths at which contamination is noticeably present, or at a minimum, at 10 feet, 25 feet, and 40 feet in the 40 foot holes, and at the surface 5 feet and 10 feet in the 10 foot holes.

On the basis of the above sampling and analyses, if appropriate, propose further monitoring and/or remedial actions, and include a schedule by which that monitoring and remedial work will be accomplished. If Respondent believes that no monitoring or remedial work is needed, then respondent shall submit a brief report stating its justification. Subject to EPA review and approval or modification, conduct the monitoring and/or remedial work, if necessary, described in paragraph 13.VI.c. according to the schedule also described in paragraph 13.VI.c.

14. The sampling and analysis programs required by the terms of this ORDER are, upon approval by EPA, incorporated into this ORDER.

15. All information required under the terms of this ORDER to be submitted to the EPA shall be sent by certified mail, return receipt requested to the following address:

Chief, Superfund Branch  
Air and Waste Management Division (6AW-S)  
U.S. Environmental Protection Agency  
1201 Elm Street  
Dallas, Texas 75270

A copy of all information submitted pursuant to this ORDER, shall be sent to the NMEID at the following address:

Mr. Harvey Davis  
Executive Director  
Texas Department of Water Resources  
PO Box 13087, Capitol Station  
Austin, Texas 78711

16. If Respondent fails to meet any of the requirements of this ORDER, Respondent shall pay a penalty of one thousand dollars (\$1,000.00) for each day of violation of such requirements. Upon notification by EPA, payment for such violation shall be made by certified check payable to the U.S. Environmental Protection Agency. Payment should be mailed to the following address with a notation of the docket number of this ORDER:

Regional Hearing Clerk (6ORC)  
U.S. Environmental Protection Agency  
1201 Elm Street  
Dallas, Texas 75270

17. Notwithstanding compliance with the terms of this ORDER, Respondent may be required to take any further action necessary to abate the endangerment posed by this facility. Notwithstanding the stipulation of certain penalties in paragraph 16 above, Complaint reserves the right to take appropriate enforcement action, including the right to seek monetary penalties, for any violation of law or this ORDER not specified in paragraph 16.

18. Any failure to remedy noncompliance with the ORDER in a timely manner may, at EPA's discretion, result in the institution of federally funded cleanup activity, and subsequent pursuit of cost recovery actions available, including punitive damages under Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

19. All decisions of EPA under this ORDER, will be communicated to Respondent by the Chief, Superfund branch (6AW-S), U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

20. All decisions of EPA under this ORDER shall be presumed to be valid. If the Respondent has any objections to any EPA decision made pursuant to this ORDER, the Respondent shall notify EPA in writing of its objections within fifteen (15) days of EPA's decision. The parties shall then have an additional fifteen (15) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any issue(s) within this 15 day period, the dispute shall be resolved in favor of EPA. This resolution shall be deemed a final Agency Action. The Respondent shall have the right to seek judicial review of this resolution as set forth in Section 113(b) of CERCLA, 42 U.S.C. § 9613(b). In any such review, the Respondent shall have the burden of petitioning the Court for modification of the decision(s) of EPA and shall have the burden of demonstrating that

such decision(s) is arbitrary, capricious, and unnecessary to accomplish the objectives of this ORDER. Judicial review shall be limited to those issues which were not reconciled by agreement of all the parties to this ORDER.

21. Respondent shall, within thirty (30) days of execution of this ORDER obtain a bond or other security sufficient to guarantee performance of the tasks under this ORDER in a manner satisfactory to EPA.

22. This ORDER shall, on written notice by EPA to Respondent, terminates when all programs required under paragraphs 6 through 14 have been completed by Respondents and approved by EPA.

23. All actions carried out by Respondent pursuant to this ORDER shall be done in accordance with all applicable Federal, State and local requirements.

24. The United States Government and the State of Texas shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of Olin, its employees, agents or contractors in carrying out the activities pursuant to this ORDER nor shall the United States Government or the State be held as a party to any contract entered into by Olin, its employees, agents or contractors in carrying out activities pursuant to this ORDER.

25. Upon issuance of this ORDER, EPA and/or TDWR shall seek to record a notice of and a copy of this ORDER in the appropriate Registry of Deeds.

26. The provisions of this ORDER shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants employees and successors and assigns. Respondent shall give notice of this ORDER to any successor in interest prior to transfer of ownership and shall simultaneously verify to Complainant that such notice has been given.

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Ann M. Gorsuch

Date

Adminstrator

U.S. Environmental Protection Agency

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James L. Turner, Attorney

Date

Office of Regional Counsel

U.S. Environmental Protection Agency

Dallas, Texas 75270

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Ann V. Strickland, Attorney

Office of Enforcement Counsel

U.S. Environmental Protection Agency

Washington, D.C. 20460

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AT&SF

Date